REMARKS

At the time of the Office Action, Claims 1-20 were pending. Claims 1-20 were rejected. Claims 1, 2, 8-11, and 18-20 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103(a)

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,915,001 issued to Premkumar V. Uppaluru ("Uppaluru") in view of U.S. Patent 6,320,946 issued to Mark J. Enzmann et al. ("Enzmann").

With respect to the rejection of independent claim 1, Applicants have amended claim 1 to recite recognizing voice input to select between a voice call and modemless Internet portal access. Applicants respectfully submit that the cited references do not teach or suggest the elements of claim 1 as amended because the cited references do not teach recognizing voice input to select between a voice call and modemless Internet portal access.

The Examiner correctly acknowledges that Uppaluru does not teach recognizing input from the user to select between a voice call and Interent portal access. The Examiner alleges that Enzmann teaches recognizing input from the user to select between a voice call and Internet portal access. Assuming for the sake of this discussion that Enzmann contains such teaching, Enzmann still does not teach the elements of claim 1 as amended. Enzmann unambiguously indicates that there are only two ways for the user to obtain access to Enzmann's information storage unit (12), which the Examiner analogizes to the Internet portal recited in claim 1. Enzmann's ISU (12) can be accessed either (1) "immediately upon the lifting of the handset 24 by the user and without any input from the user" or (2) "when the user enters a pre-selected number or symbol indicating his/her desire to obtain information from the payphone." See, e.g., Enzmann 6:36-44. Neither of these two options encompasses recognizing voice input from the user to select between a voice call and modemless Internet portal access because voice input is not a part of either option. Option 1 executes automatically without any user input except lifting

the phone off the hook. Option 2 executes when the caller types in a pre-selected number or sequence. Although the subsequent text in Enzmann indicates that Enzmann's phone may prompt the caller to enter the pre-selected number or sequence using audible prompts, see, e.g., Enzmann C6:L65-C7:L14, Enzmann in no way teaches or suggests that the caller input is voice input. To the contrary Enzmann states explicitly that the caller input consists of the caller pressing one or more digits "0" through "9" or symbols "*" or "#" if the caller wishes to receive audio information (i.e., content) from the payphone. See Enzmann C6:L65-C7:L3.

A Section 103(a) rejection is proper only when the cited reference(s) teach or suggest all of the claim elements. MPEP 2143.03. Because the cited references do not teach or suggest all of the elements of claim 1 as amended, Applicants submit that claim 1 is patentable over the cited references and Applicants respectfully request the Examiner to reconsider and withdraw the Section 103(a) rejection of claim 1.

With respect to independent claim 2, Applicants have made broadening amendments, but have also amended to recite recognizing voice input from the user to select between a voice call and Internet access. Applicants respectfully submit that the cited references do not teach or suggest the elements of claim 2 as amended because the cited references do not teach or suggest recognizing voice input to select between a voice call and Internet access.

The Examiner correctly acknowledges that Uppaluru does not teach recognizing input from the user to select between a voice call and Interent portal access. Moreover, as stated above, Enzmann does not teach voice input to select between a voice call and Internet access because Enzmann expressly teaches only two ways for the user to obtain access to Enzmann's ISU (12), namely, (1) "immediately upon the lifting of the handset 24 by the user and without any input from the user" or (2) "when the user enters a pre-selected number or symbol indicating his/her desire to obtain information from the payphone." See Enzmann at C6:L36-44. Neither of Enzmann's two options encompasses recognizing voice input from the user to select between a voice call and Internet access because voice input is not a part of either option. Although the subsequent text in Enzmann indicates that Enzmann's phone may prompt the caller to enter the pre-selected number or sequence using audible prompts, see, e.g., Enzmann C6:L65-C7:L14,

Enzmann in no way teaches or suggests <u>voice input from the user</u> to select between a voice call and Internet access. To the contrary, Enzmann states explicitly with respect to the Enzmann's second input option that the input consists of the caller pressing one or more digits "0" through "9" or symbols "*" or "#". See Enzmann C6:L65-C7:L3. A claim element reciting recognizing voice input to select between a voice call and Internet access does not read on a reference that teaches pressing a sequence of digits and symbols on a telephone keypad to make a selection.

A Section 103(a) rejection is proper only when the cited reference(s) teach or suggest all of the claim elements. MPEP 2143.03. Because the cited references do not teach or suggest all of the elements of claim 2 as amended, Applicants submit that claim 2 is patentable over the cited references and Applicants respectfully request the Examiner to reconsider and withdraw the Section 103(a) rejection of claim 2 and its pending dependent claims.

With respect to independent claim 11, Applicants have amended to recite that the claimed IVR system is operable to recognize voice input to determine whether a call is to be completed as a telephone call or for modemless access to Internet content. The Office Action, once again, admits that Uppaluru does not teach this element and cites Enzmann as teaching this element. As argued above, however, Enzmann only discloses telephone keypad input or no input at all as a selection mechanism. Because the cited references do not teach or suggest all elements of claim 11 as amended, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 11 and its dependent claims.

With respect to independent claim 20, Applicants have made a broadening amendment, but have also amended to recite providing means for recognizing voice input from a user to select between a voice call and modemless Internet access. The Examiner's reliance on Enzmann to provide teaching for selecting between a voice call and a source of Internet content once again does not render obviousness a claim reciting means for recognizing voice input to select between a voice call and modemless Internet portal access. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the Section 103(a) rejection of independent claim 20.
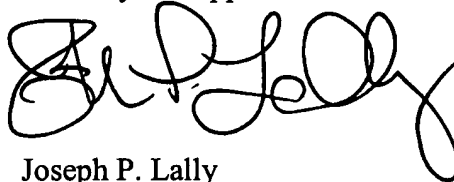
CONCLUSION

Applicants believe that this paper contains a reply to each ground of rejection and objection set forth in the Office Action and that the claims as presented herein are in condition for allowance. Applicants respectfully request reconsideration of and favorable action for all pending Claims.

Applicants enclose a check in the amount of $120.00 for a one-month extension fee. Applicants believe no further fees are due at this time; however, the Director is authorized to charge any fees necessary, or credit any overpayment, to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2680.

Respectfully submitted,
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Date: September 5, 2006

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